

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

KEVIN BALFOUR /

Case Number: 10-30024

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ☐ (1) I find that:
- ☐ there is probable cause to believe that the defendant has committed an offense
 - ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
 - ☐ under 18 U.S.C. § 924(c).

☐ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense - Felon in possession of firearm. Impersonating a federal officer.
- ✓ (b) weight of the evidence - The evidence is very strong, and Defendant has admitted Count 1.
- ✓ (c) history and characteristics of the defendant -
 - ☐ 1) physical and mental condition -
 - ✓ 2) employment, financial, family ties - Unemployed.
 - ✓ 3) criminal history and record of appearance - At least nine convictions, including assaultive and weapons offenses as well as property crimes.
- ☐ (d) probation, parole or bond at time of the alleged offense -
- ✓ (e) danger to another person or community - Although his multiple convictions are fairly remote in time, this defendant has shown a chronic propensity to arm himself and to pose as a law enforcement officer. A search of his home yielded 16 firearms, a bullet resistant vest and a large assortment of police badges. Defendant's car is equipped with police style lights, and he was found to have a large supply of ammunition as well as handcuffs and radio equipment. He has employed third parties to purchase his firearms. Defendant has represented himself to be a police officer and an FBI agent despite prior conviction for such conduct. He has a prior probation violation. I doubt that he will comply with any restrictions on his behavior, and I view him as a danger to the community. In addition to his weapons arsenal, defendant possessed forty cans of smokeless gunpowder in the home he shared with his wife and children. His judgment appears to be dangerously impaired. Pretrial Services views him as a danger to the community. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: January 26, 2010

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge